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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,545	03/26/2001	Hiroaki Kubo	15162/03400	6850

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EXAMINER

MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,545

Applicant(s)

KUBO, HIROAKI

Examiner

Justin P. Misleh

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 10 is/are pending in the application.
- 4a) Of the above claim(s) 2 - 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/26/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Note to Applicant: The Examiner of record for the present application has changed.

Election/Restrictions

1. Applicant's election with traverse of 4th Species (Figure 13) drawn to Claims 1, 4, 6, 9, and 10 in the reply filed on 24 January 2005 (confirmed by Interview Summary 19 May 2005) acknowledged. The traversal is on the grounds that each independent claim necessarily involves more than one mode of operation. This is not found persuasive because:

The elected 4th Species pertains to figure 13, which is described on page 22 (line 14) – page 23 (line 10) of the specification. The specification notes that figure 13 shows a partial recording mode with an enlarged display; however, elected Claims 4, 6, 9, and 10 pertain to either a whole frame recording mode or a partial frame recording mode in combination with a unity-magnification mode or an enlarged display mode. Claims 4, 6, 9, and 10 pertain to the non-elected species of at least figure 9, which shows a whole frame recording mode and a unity-magnification mode. Figure 13 in no way describes or shows a unity-magnification mode as claimed. While the Examiner acknowledges selection between the whole frame mode and partial frame mode, the Examiner recognizes that the whole frame mode is a requirement to the partial frame mode. However, it is noted that the unity-magnification mode is not a prerequisite to the enlarged display mode; therefore, selection between them is not required in figure 13. For these reasons, the Examiner believes that Claim 1 reads on the elected species.

2. **The requirement is still deemed proper and is therefore made FINAL.**

Art Unit: 2612

Claims 4, 6, 9, and 10 are withdrawn from further consideration pursuant to 37 CFR

1.142(b), as being drawn to a nonelected species (see Examiner's argument above), there being no allowable generic or linking claim. Applicant timely traversed the election requirement in the reply filed on 24 January 2005.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Miyawaki et al.

6. For **Claim 1**, Miyawaki et al. disclose, as shown in figures 10, 12, and 13 and as stated in column 11 (line 45) – 13 (line 11), 13 (lines 43 – 46), 14 (lines 22 – 26), and 15 (lines 10 – 23), a digital camera comprising:

an image sensor having pixels arranged two-dimensionally (CCD 101);

a controller and/or circuit (signal processing part 121) for reading out electric charges accumulated in the individual pixels of the image sensor from one row of pixels after another to

Art Unit: 2612

produce image data of an image for display (on LCD 109), and for producing image data of an image for recording on receiving an instruction to record (in VTR 103); and

a selector (switch 114) for choosing between a whole-frame recording mode (corresponds to when no Electronic Zoom area is selected; see figures 10c and 12b and column 15, lines 1 – 14) in which an angle of view of the image for recording is made equal to an angle of view corresponding to substantially the entire image sensor and a partial recording mode (corresponds to when an Electronic Zoom area is selected; see figures 10d and 12c and column 11, line 45 – column 12, line 14) in which the angle of view of the image for recording is made equal to an angle of view corresponding to part of the image sensor, wherein

the controller and/or circuit produces the image data of the image for display by reading out the electric charges from only one row of pixels out of a plurality of consecutive rows of pixels over the entire image sensor (as shown in figures 10d and 12c, only a selected portion of rows per plurality of rows is selected, via switch 114, and displayed), and, when the partial recording mode is chosen, produces the image data of the image for recording by reading out the electric charges from all rows of pixels located within a predetermined area on the image sensor (column 11, line 45 – column 12, line 14 states that only an area corresponding to the selected is readout from the CCD 101).

Miyawaki disclose and electronic zoom digital camera wherein when an electronic zoom area is selected, the signal processor controls the image sensor so as to only read out a portion of the image sensor area that corresponds to the selected electronic zoom and, furthermore, the display only displays an enlarged version of the selected electronic zoom area. See display transition between figures 10d and 10e and between figures 12c and 12d.

Cited Prior Art and Conclusion


7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure each teaches of a digital camera with an electronic zoom function wherein the image data readout from the image sensor corresponds only to an area in which electronic zoom is to be performed, wherein the image readout is displayed and/or recorded, and wherein the image displayed is enlarged.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:00 PM and on alternating Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 571.272.7308. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
June 13, 2005


AUNG MOE
PRIMARY EXAMINER